

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JUL 24 2012

JULIA C. DUDLEY, CLERK  
BY:  
DEPUTY CLERK

FAHED T. TAWALBEH, ) Civil Action No. 7:00cv00858  
                        )  
v.                      ) FINAL ORDER  
                        )  
UNITED STATES OF AMERICA ) By: Samuel G. Wilson  
                        ) United States District Judge

In accordance with this court's memorandum opinion entered this day, it is **ORDERED** and **ADJUDGED** that Tawalbeh's motion (Docket No. 27) is **CONSTRUED** as a motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255, and the Clerk is directed to **FILE** the motion as such; the § 2255 motion is **DISMISSED without prejudice** as successive; and the case is **STRICKEN** from the active docket.

Further, the court finds that Tawalbeh has not made the requisite showing of the substantial denial of a constitutional right as required by 28 U.S.C. § 2253(c) and, therefore, a certificate of appealability is **DENIED**.

ENTER: July 24, 2012.



United States District Judge